

COMMITTEE OF THE WHOLE
Council of the County of Maui

Meeting Agenda

June 20, 2006
9:00 a.m.

Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

website: <http://www.co.maui.hi.us/committees/COW/>

e-mail: cow.committee@mauicounty.us

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AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Richelle Kawasaki or Clarita Balala) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. If written testimony is submitted at the meeting, 16 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Council members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

TO LEARN MORE ABOUT COUNCIL-RELATED ISSUES, tune in to Akaku: Maui Community Television.

COW-48

**INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF
HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS OF
THE CENTRAL MAUI AND LANAI LANDFILLS**

DESCRIPTION:

The Committee is in receipt of County Communication No. 06-99, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS OF THE CENTRAL MAUI AND LANAI LANDFILLS". The purpose of the proposed resolution is to authorize an intergovernmental agreement with the State of Hawaii in settlement of alleged violations regarding the Central Maui Landfill, Phases I, II, and IV, and the Lanai Landfill through the performance of corrective actions and the payment of \$200,000, a part of which may be satisfied through supplemental environmental projects.

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STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 06-99 and other related action.

COW-52 INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS OF THE LANAI LANDFILL

DESCRIPTION: The Committee is in receipt of County Communication No. 06-149, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI LANDFILL". The purpose of the proposed bill is to authorize an intergovernmental agreement with the State of Hawaii in settlement of alleged violations regarding the Lanai Landfill through the performance of corrective actions and/or the payment of up to \$81,625, a part of which may be satisfied through supplemental environmental projects.

STATUS: The Committee may consider whether to recommend passage of the proposed bill on first reading, with or without revisions. The Committee may also consider the filing of County Communication No. 06-149 and other related action.

COW-14 MONTANA BEACH CONDOMINIUM PROJECT (PAIA)

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication No. 01-193, from former Councilmember Alan M. Arakawa, relating to the matter of the development of single-family homes near Baldwin Beach.
2. Correspondence dated May 9, 2006 from the Department of the Corporation Counsel, requesting the opportunity to discuss settlement negotiations in executive session.

STATUS: The Committee may discuss the matter. The Committee may also consider the filing of County Communication No. 01-193 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

COW-5(11) SPECIAL COUNSEL AUTHORIZATION (COMBINED CONTESTED CASE HEARING CONCERNING WATER USE PERMIT APPLICATIONS FOR MAUI DEPARTMENT OF WATER SUPPLY, HAWAIIAN COMMERCIAL AND SUGAR, AND WAILUKU WATER COMPANY, LLC, IAO GROUND WATER MANAGEMENT AREA, MAUI AND PETITIONS TO AMEND THE INTERIM INSTREAM FLOW STANDARDS FOR IAO, WAIEHU, WAIHEE, & WAIKAPU STREAMS (DOCKET NO. CCH-MA-06-01) AND IN CONTESTED CASE HEARING CONCERNING COMPLAINT C-04-31 FROM EARTHJUSTICE (EJ), ON BEHALF OF HUI O NA WAI EHA AND MAUI TOMORROW FOUNDATION, INC. REGARDING WASTE OF SURFACE WATER FROM DITCHES OF WAILUKU WATER COMPANY, LLC, WAILUKU, MAUI (DOCKET NO. CCH-MA -06-02))

DESCRIPTION: The Committee is in receipt of correspondence dated May 25, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL JOHN M. VAN DYKE, ATTORNEY AT LAW, TO REPRESENT THE DEPARTMENT OF WATER SUPPLY BEFORE THE COMMISSION ON

WATER RESOURCE MANAGEMENT IN COMBINED CONTESTED CASE HEARING CONCERNING WATER USE PERMIT APPLICATIONS FOR MAUI DEPARTMENT OF WATER SUPPLY, HAWAIIAN COMMERCIAL AND SUGAR, AND WAILUKU WATER COMPANY, LLC, IAO GROUND WATER MANAGEMENT AREA, MAUI AND PETITIONS TO AMEND THE INTERIM INSTREAM FLOW STANDARDS FOR IAO, WAIEHU, WAIHEE, & WAIKAPU STREAMS (DOCKET NO. CCH-MA-06-01) AND IN CONTESTED CASE HEARING CONCERNING COMPLAINT C-04-31 FROM EARTHJUSTICE (EJ), ON BEHALF OF HUI O NA WAI EHA AND MAUI TOMORROW FOUNDATION, INC. REGARDING WASTE OF SURFACE WATER FROM DITCHES OF WAILUKU WATER COMPANY, LLC, WAILUKU, MAUI (DOCKET NO. CCH-MA-06-02)". The purpose of the proposed resolution is to authorize the employment of special counsel, Jon M. Van Dyke, Attorney at Law, in the referenced proceedings, with an hourly rate not to exceed \$300 and total compensation not to exceed \$100,000.

STATUS:

The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

NOTE:

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

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